

Appl. No. : **10/805,608**
Filed : **March 19, 2004**

REMARKS

Claims 30-45 are pending in this application. Claims 1-29 have been canceled. New Claims 30-45 have been added. Support for the new claims is found in the specification and claims as filed.

Claim Rejections - 35 U.S.C. § 112, first paragraph

Claims 4 and 7 have been rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Although Applicants do not agree with the propriety of the rejection, Claims 4 and 7 have been canceled. Applicants reserve the ability to pursue the canceled claims, or similar claims, in one or more continuing patent applications. None of the pending claims include the term “continuous overflow.” The rejection is therefore moot.

Claim Rejections - 35 U.S.C. § 112, second paragraph

Claims 18-21 have been rejected under 35 U.S.C. § 112, second paragraph as indefinite for lack of antecedent basis for the term “the module” recited in Claims 18 and 19. Claims 18 and 19 and dependent claims 20-21 have been canceled. The rejection is therefore moot.

Claim Rejection - 35 U.S.C. §102(b)

Claims 1-3, 9-16, 18-26, 28, and 29 have been rejected under 35 U.S.C. §102(b) as being anticipated by Sunaoka et al. (U.S. 5,209,852). Although Applicants do not agree with the propriety of the rejection, Claims 1-3, 9-16, 18-26, 28, and 29 have been canceled solely to pursue different subject matter. Applicants reserve the ability to pursue the canceled claims, or similar claims, in one or more continuing patent applications. The rejection is therefore moot.

Claim Rejection - 35 U.S.C. §102(b)

Claims 1-3, 5-7, 18-27, 26, 28, and 29 have been rejected under 35 U.S.C. §102(b) as being anticipated by Sunaoka et al. (U.S. 5,151,191). Although Applicants do not agree with the propriety of the rejection, Claims 1-3, 5-7, 18-27, 26, 28, and 29 have been canceled solely to pursue different subject matter. Applicants reserve the ability to pursue the canceled claims, or similar claims, in one or more continuing patent applications. The rejection is therefore moot.

Claim Rejection - 35 U.S.C. §102(b)

Claims 1, 2, 9, 10, 12-21, 26, and 28 have been rejected under 35 U.S.C. §102(b) as being anticipated by Okhubo et al. (U.S. 4,876,006). Although Applicants do not agree with the

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propriety of the rejection, Claims 1, 2, 9, 10, 12-21, 26, and 28 have been canceled solely to pursue different subject matter. Applicants reserve the ability to pursue the canceled claims, or similar claims, in one or more continuing patent applications. The rejection is therefore moot.

Claim Rejection - 35 U.S.C. §103(a)

Claim 4 has been rejected under 35 U.S.C. §103(a) as being obvious over Sunaoka et al. (U.S. 5,209,852). Although Applicants do not agree with the propriety of the rejection, Claim 4 has been canceled solely to pursue different subject matter. Applicants reserve the ability to pursue the canceled claim, or similar claims, in one or more continuing patent applications. The rejection is therefore moot.

Claim Rejection - 35 U.S.C. §103(a)

Claim 4 has been rejected under 35 U.S.C. §103(a) as being obvious over Sunaoka et al. (U.S. 5,151,191). Although Applicants do not agree with the propriety of the rejection, Claim 4 has been canceled solely to pursue different subject matter. Applicants reserve the ability to pursue the canceled claim, or similar claims, in one or more continuing patent applications. The rejection is therefore moot.

Claim Rejection - 35 U.S.C. §103(a)

Claims 8 and 27 have been rejected under 35 U.S.C. §103(a) as being obvious over Sunaoka et al. (U.S. 5,209,852). Although Applicants do not agree with the propriety of the rejection, Claims 8 and 27 have been canceled solely to pursue different subject matter. Applicants reserve the ability to pursue the canceled claims, or similar claims, in one or more continuing patent applications. The rejection is therefore moot.

Claim Rejection - 35 U.S.C. §103(a)

Claims 8 and 27 have been rejected under 35 U.S.C. §103(a) as being obvious over Sunaoka et al. (U.S. 5,151,191). Although Applicants do not agree with the propriety of the rejection, Claims 8 and 27 have been canceled solely to pursue different subject matter. Applicants reserve the ability to pursue the canceled claims, or similar claims, in one or more continuing patent applications. The rejection is therefore moot.

Claim Rejection - 35 U.S.C. §103(a)

Claims 8 and 27 have been rejected under 35 U.S.C. §103(a) as being obvious over Okhubo et al. (U.S. 4,876,006). Although Applicants do not agree with the propriety of the

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rejection, Claims 8 and 27 have been canceled solely to pursue different subject matter. Applicants reserve the ability to pursue the canceled claims, or similar claims, in one or more continuing patent applications. The rejection is therefore moot.

Obviousness-Type Double Patenting Rejection

Claims 1-29 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over selected claims of copending Application No. 10/793,015. Application No. 10/793,015 has been abandoned. Accordingly, the provisional rejection is moot.

Obviousness-Type Double Patenting Rejection

Claims 1-3, 5, 6, and 8-28 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over selected claims of copending Application No. 10/369,813. Applicants will submit a terminal disclaimer to overcome a double patenting rejection after securing otherwise allowable claims.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated:

3/10/05

By:



Rose M. Thiessen
Registration No. 40,202
Attorney of Record
Customer No. 20,995
(619) 235-8550

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